

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JUAN JOHNSON,)	
)	
Plaintiff,)	
)	
vs.)	No. 05 C 1042
)	
REYNALDO GUEVARA, and the CITY)	Judge Grady
OF CHICAGO,)	Magistrate Judge Mason
)	
Defendants.)	

DEFENDANTS' MOTION *IN LIMINE* NO. 4

**DEFENDANTS' MOTION *IN LIMINE* TO BAR ANY REFERENCE TO PUBLICIZED
INCIDENTS OF ALLEGED POLICE MISCONDUCT**

Defendants City of Chicago and Reynaldo Guevara, by and through their attorneys, James G. Sotos and Elizabeth A. Ekl of James G. Sotos & Associates, Ltd., move this Honorable Court, *in limine*, to bar Plaintiff from making any reference to publicized incidents of alleged police misconduct because such reference would be irrelevant, inadmissible and unduly prejudicial under FED. R. EVID. 401, 402 and 403.

In recent years and months, allegations of misconduct by members of the Chicago Police Department have received, and at times even dominated, media coverage in the city's major newspapers, local news broadcasts and on the internet. Certain allegations have even received nation-wide coverage. Some of the most publicized events include the incident of an off-duty officer striking a vehicle and killing two occupants on the Dan Ryan Expressway; the videotaped incident of off-duty police officer Anthony Abbate attacking a bartender; allegations that former Commander Burge coerced false confessions; and the actions of convicted former Gang Crimes

Specialist Joe Miedzianowski. Other allegations of police misconduct from around the country also abound.

The Defendants should not be forced to defend the conduct of others in this trial. The allegations and evidence in this case have absolutely nothing to do with any of these publicized incidents, and there are absolutely no allegations of any similar misconduct in this case. References to other allegations of police misconduct during this trial can only be intended to inflame the jury against the police in general, and against the Defendants in this particular case. Simply put, Plaintiff is seeking to impugn Defendants with the bad acts of others by virtue of their job title, and Defendants should not be forced to defend the conduct of *other* officers in *this* trial.

Consequently, any testimony, evidence, argument or comments regarding the publicized actions of other police officers should be barred pursuant to FED. R. EVID. 401, 402, & 403. Such references have no probative value, are highly inflammatory and overly prejudicial, and are irrelevant to the issues presented in this trial. *See Saunders v. City of Chicago*, 320 F. Supp. 2d 735, 740 (N.D. Ill. 2004); *Redmond v. City of Chicago*, No. 06 C 3611, 2008 WL 539164 at *6 (N.D. Ill. 2008); *Heflin v. City of Chicago*, No. 95 C 1990, 1996 WL 28238 (N.D. Ill. 1996).

WHEREFORE, Defendants respectfully request this Honorable Court enter an Order *in limine* consistent with the relief sought by this Motion.

Dated: April 17, 2009

by: /s Elizabeth A. Ekl
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CERTIFICATE OF SERVICE

I hereby certify, under penalties of perjury pursuant to 28 U.S.C.A. § 1746, that on **April 17, 2009**, I electronically filed the foregoing **Defendants' Motion *in Limine* to Bar Any Reference to Publicized Incidents of Alleged Police Misconduct** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record: See Attached Service List.

RESPECTFULLY SUBMITTED,

/s Elizabeth A. Ekl

ELIZABETH A. EKL

One of the Attorneys for Defendants City of
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